

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 4, 2003

IN RE:

GENERIC DOCKET ADDRESSING
RURAL UNIVERSAL SERVICE

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DOCKET NO.
00-00523

ORDER CONTINUING STAY AND ABEYANCE

This docket came before the Hearing Officer for consideration of the status of the stay and abeyance ordered in the May 5, 2003 *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions* and continued in the July 2, 2003 *Order Continuing Stay and Abeyance*.

In the *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions*, the Hearing Officer granted the *Joint Agreed Motion for 60-Day Conditional Stay* filed on April 25, 2003 by the Tennessee Rural Independent Coalition¹ ("Coalition") and BellSouth Telecommunications, Inc. ("BellSouth"). In doing so, the Hearing Officer held that no further action will be taken for sixty (60) days on the *Petition for Emergency Relief and Request for Standstill Order by the Tennessee Rural Independent Coalition* filed on April 3, 2003 or BellSouth's counterclaim filed on April 15, 2003. The Hearing Officer also granted the

¹ The Coalition includes the following companies: Ardmore Telephone Company, Inc.; Ben Lomand Rural Telephone Cooperative, Inc.; Beldsoe Telephone Cooperative; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Concord Telephone Exchange, Inc.; Crockett Telephone Company, Inc.; Dekalb Telephone Cooperative, Inc.; Highland Telephone Cooperative, Inc.; Humphreys County Telephone Company; Loretto Telephone Company, Inc.; Millington Telephone Company; North Central Telephone Cooperative, Inc.; Peoples Telephone Company; Tellico Telephone Company, Inc.; Tennessee Telephone Company, Twin Lakes Telephone Cooperative Corporation; United Telephone Company; West Tennessee Telephone Company, Inc.; and Yorkville Telephone Cooperative.

request of BellSouth and the Coalition to continue to hold *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* in abeyance.

After having received from the parties two updates on the negotiations, the Hearing Officer entered an order on July 2, 2003 extending the stay and abeyance until August 1, 2003. On July 3, 2003, BellSouth and the Coalition filed a letter requesting that the Authority hold BellSouth's motion for reconsideration in abeyance for an additional sixty (60) days.² On July 25, 2003, BellSouth and the Coalition filed an *Update on Status of Discussions with ICOs, BellSouth and CMRS Providers*. In this update, the parties explain that they met on July 16 and 17, 2003 to discuss a redlined version of a draft interconnection agreement. During their meeting, the parties also discussed how BellSouth is to compensate the Coalition members during the negotiations for CMRS-originated traffic that transits BellSouth's network and terminates to a Coalition member end user.³ The update concludes by stating that negotiations are continuing.

It appears the parties are actively negotiating and BellSouth is willing to continue to compensate Coalition members in some manner during the continued negotiations. Therefore, the Hearing Officer finds that the stay and abeyance should be continued until September 2, 2003, as requested in the July 3, 2003 letter.

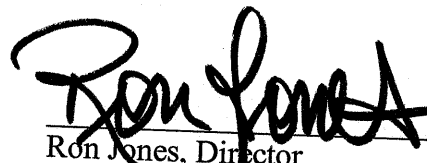
² It seems that the July 3, 2003 letter may have been prepared and filed without the parties seeing the July 2, 2003 *Order Continuing Stay and Abeyance*. The Hearing Officer understands that the parties are requesting in the July 3, 2003 letter that the abeyance be continued through early September.

³ The parties' previous agreement contained in the April 25, 2003 *Joint Motion for 60-Day Conditional Stay* regarding the manner in which BellSouth will compensate Coalition members for CMRS-originated traffic that transits BellSouth's network and terminates to a Coalition member end user was limited to a ninety (90) day period.

IT IS THEREFORE ORDERED:

1) Unless otherwise ordered, no action will be taken before **Tuesday, September 2, 2003** on the *Petition for Emergency Relief and Request for Standstill Order By the Tennessee Rural Independent Coalition* filed on April 3, 2003, BellSouth Telecommunications, Inc.'s counterclaim filed on April 15, 2003, and *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* filed on July 15, 2002.

2) BellSouth Telecommunications Inc. and the Tennessee Rural Independent Coalition shall file by **Monday, August 25, 2003** an update containing at a minimum a summary of negotiations that have occurred, a list of entities involved in the negotiations, a schedule of any further negotiations, and a statement as to whether a further continuance of the stay and abeyance are necessary.


Ron Jones, Director
As Hearing Officer⁴

⁴ See *Order Accepting Petition for Appeal and Appointing Hearing Officer*, 3 (Sept. 17, 2003) (appointing Director Jones "for the purpose of preparing this matter for consideration by the Directors").